

Exhibit 1



SCHOOL OF LAW

CASE WESTERN RESERVE
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October 6, 2023

BY EMAIL ONLY to:

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Re: Infringement of Our Client's First Amendment Rights During
the September 25th, 2023 Cleveland City Council Meeting

Dear Mr. Griffin:

The First Amendment Clinic at Case Western Reserve University School of Law has been retained to represent Chris Martin with respect to Cleveland City Council's refusal to let him finish his public comment at Council's public comment period during its September 25th Meeting. We're writing to introduce ourselves and would like to meet with you to discuss the incident, and our concerns about the constitutionality of the Council's public comment rules generally.

At the September 25, 2023 City Council Meeting, Council President Griffin interrupted our client when he listed individual council members and the amount of money they accepted from the Council Leadership Fund. To justify this interruption, Council President Griffin stated: "Sir, the rules are that you are not supposed to address individual leaders. The rules say that you are not supposed to invoke any council. We are going to remove you from the mic if you mention one more council member's name." Our client continued with his planned remarks, but ultimately Council President Griffin silenced Mr. Martin by cutting off the microphone and asking Mr. Martin to "remove" himself. See [September 25th Meeting](#) at 20:32-21:38.

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Earlier in the meeting, Council President Griffin stated: “I want to acknowledge to all of the speakers—please do not impugn the character of anybody in this audience. . . . We will be cutting mics for anyone that insults or impugns the character of any official in this body, whether it be the administration or Council.” See [September 25th Meeting](#) at 8:52. While this standard is not in the Council’s written policy, the written policy purports to prevent speakers from using “indecent or discriminatory language” and from “address[ing] any individual council member or other person.” See [Procedures for Public Comment at Cleveland City Council meetings](#) (Sept. 20, 2021).

We commend the Council for supporting public comment, as it has afforded citizens the opportunity to express their views to those who can effect change. But we are concerned that Council’s public comment rules, both as written and as interpreted by Council President Griffin, violate the First Amendment’s free speech protections. We are also concerned that any future changes to the rules will further infringe upon the public’s First Amendment rights.¹ We encourage Council President Griffin and all members of the Cleveland City Council to familiarize themselves with *Ison v. Madison Loc. Sch. Dist. Bd. Educ.*, 3 F.4th 887, 895 (6th Cir. 2021) (holding that “restrictions on ‘antagonistic,’ ‘abusive,’ and ‘personally directed’ speech prohibit speech because it opposes, or offends, the Board or members of the public, in violation of the First Amendment”).

We are hoping we can resolve this in an efficient and productive manner that permits Council to conduct its business—including its critical business of listening to its constituents—without engaging in unconstitutional viewpoint discrimination. Please get in touch with us

¹ Joe Pagonakis, [Cleveland City Council Examines Public Comment Rule Changes After Anti-Semitic Comment During Sept. 25 Meeting](#), NEWS 5 CLEV. (Sept. 27, 2023, 8:21 AM), (quoting Council President Griffin who stated “[a]nytime that I have the gavel, I am going to shut people down whenever they insult any race, gender, sexual orientation or religious affiliation”).

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at your earliest convenience to discuss how to resolve this matter so that members of the public can comment freely and openly, just as the First Amendment demands.

Sincerely,

Brooke White

Brooke White
Certified Legal Intern



Patrick Elliott
Certified Legal Intern

Hannah Scifres
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